

REMARKS

In response to the Office Action dated May 10, 2007, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

Claims 7, 23-26, 35-38, 47-50 were rejected under 35 U.S.C. § 101. The Office Action alleges that these claims recite "software per se," and are therefore considered to be directed to non-statutory subject matter. In view of the foregoing amendments to the claims, it is respectfully submitted that this issue has been rendered moot. Claim 23 recites a computer-readable medium containing a user interface for a computer. Claims 35 and 47 recite a method for displaying a cursor on a display of a computer. As such, it is respectfully submitted that these claims are not directed to software, per se. Rather, they recite functionality provided by software within the context of a manufacture (a computer-readable medium) or a machine (a computer display). Withdrawal of the rejection is respectfully requested.

Claims 1-24, 35, 36, 47 and 48 were rejected under 35 U.S.C. § 102, on the basis of the Simpson publication entitled "Windows 95 Uncut". In relevant part, the rejection refers to Figure 7-3 on page 138 of the publication. That figure illustrates a dialog box that enables a user to associate different pointer images with the mouse. It is respectfully submitted, however, that this figure does not disclose the relationship between these images and the state of operation of foreground and background processes as recited in the claims.

For example, claim 1 recites, among other elements, a user interface which controls the appearance of the cursor to display a first image when the cursor is positioned over a user interface element that can be immediately accessed by a user, a second image when the cursor is positioned over a user interface element

associated with a foreground process that is in a busy state, and a third image when the cursor is positioned over a user interface element associated with a background process that is in a busy state. In making the rejection, it appears that the Office Action is referring to the first three images shown in Figure 7-3, namely those that are labeled "Normal Select", "Working in Background" and "Busy".

The Office Action does not explain which of these three pointer images are considered to respectively correspond to the first image, second image and third image recited in the claim. Presumably, the Office Action is associating the image entitled "Working in Background" with the third image recited in the claim. Consequently, it is assumed that the "Busy" pointer is being associated with the second image recited in the claim.

It is respectfully submitted that the Simpson publication does not disclose that the pointer images illustrated in Figure 7-3 are associated with the functionality recited in claim 1. Specifically, the "Busy" and "Working in Background" pointers are not respectively associated with the positioning of the cursor over a foreground process that is in a busy state and a background process that is in a busy state. In the operation of the Windows operating system, the "Busy" pointer is independent of the position of the cursor. It functions to indicate that the operating system is in a busy state, and is not able to accept mouse clicks or commands. In this regard, reference is made to the accompanying printout from a web page entitled "Desktop Enhancers". On the second page of the printout, under the heading "How Can I Make Cursors/Animated Cursors for My Theme", the publication states "The Wait icon is shown when Windows 95 is doing something. The Busy icon is shown when Windows 95 is too busy to handle any other mouse clicks/commands." Thus, the

display of these icons is related to the state of the operating system, rather than the position of the mouse pointer.

It is respectfully submitted that the display of different mouse pointers in Figure 7-3 of the Simpson publication is not sufficient to support the rejection based upon anticipation. This figure merely illustrates static images. The publication does not describe under which conditions each of these images is displayed. Specifically, it does not disclose that one of the images is displayed when the cursor is positioned over a user interface element that can be immediately accessed by a user, another image is displayed when the cursor is positioned over a user interface element associated with a foreground process that is in a busy state, and a third image is displayed when the cursor is positioned over a user interface element associated with a background process that is in a busy state, as recited in claim 1. It does not describe any relationship between the icon that is displayed and the position of the cursor.

Claim 2 recited that the foreground process is an application and the associated user interface element is a window. Claim 3 further recited that the window has a first portion associated with the application and a second portion associated with the user interface, and further specified that the second image is "only displayed when said cursor is positioned over said first portion of the window." Thus, when the cursor is positioned over the portion of the window that displays the content associated with an application, the second image appears, but when the cursor is moved up to the title bar of the window, the display switches to the first image. See, for example, Figure 5A of the present application. This subject matter has now been incorporated into claim 1.

It is respectfully submitted that the Office Action does not demonstrate that this claimed functionality is associated with the "Working in Background" pointer depicted in Figure 7-3 of the Simpson publication. As noted previously, it only discloses static images, and does not describe what happens when the pointer is moved among different locations within the display. Specifically, it does not disclose that the "Working in Background" image only appears when the pointer is positioned within the content portion of the window. The Examiner is invited to demonstrate to himself that the Windows operating system does not function in this manner. When a task is invoked that causes the "Wait" pointer to appear, the display of that pointer is not limited to only the content portion of the window. If the pointer is dragged to the title bar of the window, the "Working in Background" image persists.

In summary, it is respectfully submitted that the static images appearing in Figure 7-3 of the Simpson publication do not disclose the functionality that is recited in claim 1, whether in its original form or as amended. Reconsideration and withdrawal of the rejection of this claim, and its dependent claims, is respectfully requested.

For at least these same reasons, it is respectfully submitted that the other claims that were rejected under 35 U.S.C. § 102 are likewise not patentable over the Simpson publication. For example, claim 9 recites a method that includes the step of determining whether a process is in a state when its functionality can be currently accessed or is in a busy state. If the process is in a busy state, a further determination is made whether the process is operating in the foreground or in the background. Depending upon the result of this latter determination, the cursor is displayed with a first image if the busy process is in the foreground and a second

image if the busy process is in the background. As discussed previously, the Simpson publication does not disclose discrimination between whether a cursor is positioned over a busy foreground process or a busy background process in determining which pointer to display. Rather, that display is based upon the state of the operating system, not the position of the cursor.

For at least this reason, therefore, it is respectfully submitted that independent claims 9, 15, 19, 21 and 47, as well as their dependent claims, are patentably distinct from the Simpson publication.

Claim 23 recites a user interface that includes at least two different images for a cursor. The first image comprises a pointer arrow having tail. The second image comprises a hybrid consisting of a pointer arrow with a graphic in place of the tail, where the graphic represents a condition of a process.

In rejecting this claim, the Office Action again refers to the Simpson publication at Figure 7-3. It is respectfully submitted that this figure does not illustrate the claimed subject matter. The first pointer depicted in that figure, labeled "Normal Select", comprises a pointer arrow having a tail. The next two pointers comprise the pointer arrow with the tail, coupled with a graphic. In each of these two cursors, the graphic is in addition to the pointer arrow with the tail. In contrast, claim 23 recites that the second image consists of a pointer arrow with a graphic "in place of said tail". For example, see Figure 3C of the present application. In that image, the standard wait cursor 210, illustrated in Figure 3B replaces the tail of the normal pointer cursor 200, illustrated in Figure 3A.

It is respectfully submitted that the Simpson publication does not disclose a hybrid cursor image in which the tail of a pointer arrow is replaced by a graphic.

Rather, in the second and third illustrated pointers, the graphic is added to the normal pointer image, rather than replacing the tail of that image.

Accordingly, it is respectfully submitted that the subject matter of claim 23 is not anticipated by the Simpson publication. For the same reasons, claim 35 is not anticipated.

Claim 24 recites that the condition, represented by the graphic, is a busy state for an application and that the displaying means switches the display upon detecting that the cursor is positioned over a user interface object associated with an application in a busy state. As discussed previously, the Simpson publication does not associate the various pointer images with the position of the cursor. Furthermore, as described in the accompanying printout from the Desktop Enhancers web page, the particular icon that is displayed is associated with the state of the operating system, not the position of the cursor. For this additional reason, therefore, it is respectfully submitted that claim 24, as well as claim 36, is not anticipated by the Simpson publication. For at least this same reason, claim 47, and its dependent claims, are not anticipated.

Claims 25-34, 37-46 and 49-58 were rejected under 35 U.S.C. § 103, on the basis of the Simpson publication in view of secondary references. This rejection is based upon the position that the Simpson publication discloses the subject matter of the parent claims from which these rejected claims depend. As discussed above, however, the Simpson publication only discloses static images for a pointer, and does not disclose the functionality that is recited in the parent claims. Consequently, since the fundamental basis for the rejection is not support by the disclosure of the

Simpson publication, any possible combination of the secondary references with this publication does not render the claims unpatentable.

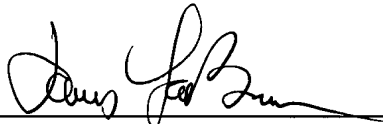
Reconsideration and withdrawal of the rejections, and allowance of all pending claims is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 10, 2007

By:


James A. LaBarre
Registration No. 28632

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620



This site has dozens of links to sites that have all kinds of enhancements for your desktop. Desktop enhancement sites listed, ranked and reviewed. A site featured weekly.



DESKTOPENHANCERS®

FREE Content for your Site!!!!
we do the work and...
Click here to Sign up Today!

Desktop Themes
Screensavers
Wallpaper
ICQ/Messenger Skins

[Login/Register](#)

[Add a Site](#)

[New Sites](#)

[Past Winners](#)

[Contact Us](#)

[Make Us Your Homepage](#)

What are Desktop Themes?

A Desktop Theme is a collection of cursors, animated cursors, sounds, wallpaper, and even screensaver assembled to some theme. To use Desktop Themes, you will need Microsoft Windows 95 and Microsoft Plus!

I don't want to buy Microsoft Plus! Are there any program that works like it?

Yes! There are some shareware/freeware program which can run any themes without having to buy MS Plus! like: [Desktop Themes v1.73](#) (103 KB) lets you install, use and create Desktop Themes without Microsoft Plus! for Windows 95.

[Desktop Themes](#) offers the same functionality as the Plus! version with a few additional features, such as the ability to create your own themes by creating and modifying a ".theme" file. Please email the author, [Jonathan Potter](#) or visit his [homepage](#).

[FreeTheme v1.1](#) (1,653 KB) is a FreeWare Theme loader for Windows95. With this program installed you can load themes without the MS Plus! package. FreeTheme was written by Klaus Thrane. Please visit the author's [homepage](#).

How can I install any themes that I've downloaded?

If you download an executable theme, you can execute it from Windows Explorer, Start-Run, or whatever you prefer. By default, the Desktop Theme will extract the files to C:\Program Files\Plus!\Themes\ which is the default directory for your Microsoft Plus! Themes.

If you download a zipped theme, you have to unzip it first with a program like [WinZip 95](#) or [TurboZIP 97](#) then extract it to C:\Program Files\Plus!\Themes\ After the files have been installed, simply start your Desktop Themes program from the Control Panel window and select the new theme.

What is Startup and Shutdown screens?

Many of these Desktop Themes include special Startup and Shutdown screens. Unfortunately, the usual Desktop Theme manager from Microsoft Plus! does not support alternative Startup and Shutdown screens so you will have to install these manually if you wish to use them. If you are not familiar with file copying and moving, don't try this. To install alternative Startup and Shutdown screens: Locate the LOGO.SYS in your C:\ root directory and the LOGOS.SYS and LOGOW.SYS files in your C:\WINDOWS directory. These are the normal Startup and Shutdown screens. You should copy these to a suitable back-up directory. For example, make a directory in C:\WINDOWS called Screen Backups and copy your LOGO.SYS, LOGOS.SYS and LOGOW.SYS files there. Copy the alternative LOGO.SYS to your C:\ root directory Copy the alternative LOGOS.SYS and LOGOW.SYS

files to your C:\WINDOWS directory

The next time you startup or shutdown your computer, you will see the new screens. If you don't want to use the alternative screens anymore, simply copy your backups of the normal screens back into their original directories.

What tools I need to make a Desktop Theme?

[Microsoft Resource Kit Utilities](#) You'll need this kit if you wanna make your own desktop theme. This tool includes an Animated Cursor Editor and an Image Editor. The Image Editor is used to make and edit cursors and icons, and the

Animated Cursor Editor used to make .ani files for any animated cursors.

[Microangelo for Windows 95](#) This utility provides access to icons of all sizes and color formats used by Windows 95. Browse, manage, create, and edit icons from 8x8 to 64x64 pixels in size and up to 256 colors. Explorer-like Browser specializes in locating icons on your system. Double-click to open icons for editing in Studio, libraries for viewing in Librarian. The Engineer replaces system icons, removes shortcut arrows. Download this utility (version 2.1 - 640 KB) [here!](#)

[WinZip 95](#) or [TurboZIP 97](#) This is a 32 bit zip extractor for windows 95. You will need this to extract any themes. This utility has supported long file names.

How can I make icons for my theme?

The easiest way to create icons is with [Microangelo](#) utility. Create the picture in the 32x32 grid. Then rename the

cursor (.CUR) to an icon (.ICO) when you are finished. You need to create 4 icons: My Computer, Network Neighborhood, Recycle Bin Empty, and Recycle Bin Full. You can use the standard icons that come with Windows 95 too (COOL.DLL). The icon numbers are 16, 17, 20, and 21. So, in the theme file, it would be listed as:

My Computer: DefaultValue=%WinDir%\System\Cool.dll,16
 Net Neighborhood: Default Value=%WinDir%\System\Cool.dll,17
 Recycle Bin Empty: Default Value=%WinDir%\System\Cool.dll,20
 Recycle Bin Full: Default Value=%WinDir%\System\Cool.dll,21

How can I make cursors/animated cursors for my theme?

You need to create 14 cursors with [Microangelo](#) or [Microsoft Resource Kit Utilities](#). Cursors are made in 32x32 pixels. You can make all or none of them animated. The 2 cursors that are normally animated are the Wait and Busy icons. The Wait icon is shown when Windows 95 is doing something. The Busy icon is shown when Windows 95 is too busy to handle any other mouse clicks / commands. The rest of the cursors are: Arrow - Normal pointer.

Help - Displayed when you click on the ? in a dialog box.

NWPen - The Pen cursor.

No - Displayed when an option is not selectable with the Arrow cursor.

Size NS/WE/NWSE/NESW - Will show up when resize a window.

Size All - Displayed when you can move a window.

Crosshair - Looks almost like a target sighting for precision selection.

IBeam - Displayed when you are in a text region.

Up Arrow - Never seen this cursor in action!

How can I make wallpaper for my theme?

You need a graphic manipulator like Windows Paint, PhotoShop or PaintShop to create a wallpaper. You don't need to create a .BMP wallpaper, .JPG is probably the best to save your wallpaper because they are 3-10 times smaller than the bitmap. Also, make sure the picture is in 640x480, 800x600, or 1024x768 saved in a decently high quality.

How can I make sounds for my theme?

You need a .WAV editor or Sound editor to create sounds like CoolEdit. There are 20 sounds you can provide for different events. Try to match a good sound for the sound event (e.g. someone asking a question for the Question sound event, a theme song for the Windows Start sound event, etc). Here are the sound events:

Default Sound - Just what it says.

Program Error - Played when there is an error.

Maximize - Played when you maximize a window.

Minimize - Played when you minimize a window.

Restore Up - Played when you restore a window larger.

Restore Down - Played when you restore a window smaller.

Menu Command - Played when you select a program/option on a menu.

Menu Popup - Played when you look through program menus/option menu.

Open Program - Played when you open a program.

Close Program - Played when you close a program.

Ring In - Played with a program that uses the ringing options.

Ring Out - Played with a program that uses the ringing options.

Asterisk - Not sure when this is played.

System Default - Not sure when this is played.

Exclamation - Played when you do something that is not supported.

Windows Start - Played when you start Windows 95.

Windows Exit - Played when you exit Windows 95.

Critical Stop - Also known as System Hand.

Question - Played when a program ask you a question prompt.

Empty Recycle Bin - Played when you empty the recycle bin.

Sounds events that you can use with the same WAV file so you don't have duplicate WAV's:

Default Sound and System Default

Program Error and Critical Stop (System Hand)

Maximize and Restore Up or Maximize and Minimize

Minimize and Restore Down or Maximize and Minimize

You don't need to use the highest quality for sounds (Stereo, 44KHz, 16 bit). All of the files you download from my site have WAV's that are in Mono, 11KHz, 8 bit quality. And most of them sound great unless the original sound

was bad quality.

How can I make startup and shutdown screens for my theme?

A great part of the theme is the startup/shutdown screens. There are 3 screens that are needed: Startup, Shutting Down, Shutdown Complete.

Please do not mess with this screens in Windows98

unless you know what you are doing!

These 3 files will replace the original Windows 95 screens that you see when your starting or shutting down windows. These files are located in the C:\ and C:\Windows directories named LOGO.SYS, LOGOS.SYS, and LOGOW.SYS. The .SYS extension is just for Windows. It is actually a .BMP file saved in 320x400, 256 colors and then renamed to a .SYS file. You can even animate the screens. For more on animating, go to the [XrX Animated Logos](#) home page. See **FAQ #3** for more details about startup and shutdown screens.

How can I make a great theme?

You need a text editor (notepad) or Theme Create. Here is where the entire theme comes together with all the commands Windows 95 needs to set it up. There are a couple of ways to make the .Theme file. Copy an existing .Theme file that has colors and fonts that you like and rename it to your theme name. Use Theme Create to build a .Theme file.

There are some variables you can use in the .Theme file to point to certain locations for the files. The first is %WinDir% (you need the % signs) which tells Plus! to look in your default Windows 95 directory. The second is %ThemeDir% which tells Plus! to look in your default theme directory. These variables make the .Theme file more flexible on different machines. Some people may have Windows 95 set up in C:\Windows and others may have it in C:\Win95 or some variation.

Also, it makes it easier to write %ThemeDir% then C:\Program Files\Plus!\Themes.

Generated in 0.01154 second

Desktop Enhancers disclaims any responsibility for software or information obtained through this site.
Copyright © 1998 - 2007 Desktop Enhancers All rights reserved. Please read our [Privacy Statement](#)

POWERED BY

Dir97PRO

Powered by [Directory97 PRO](#) ©2005-2006, C97.net - All Rights Reserved